



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, MARCH 21, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORTS

Council Member Sellers

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-10

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

- | | |
|----|---|
| 1. | <u>2006-2007 PERFORMANCE MEASURE MID-YEAR UPDATE</u> 1
<u>Recommended Action(s):</u> <u>Accept</u> Report. |
| 2. | <u>2006-2007 WORKPLAN MID-YEAR UPDATE</u> 13
<u>Recommended Action(s):</u> <u>Accept</u> Report. |
| 3. | <u>NEW LIBRARY PROJECT – FEBRUARY CONSTRUCTION PROGRESS REPORT</u> 49
<u>Recommended Action(s):</u> <u>Information</u> only. |

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
4.	<u>CONTRACT WITH DAVID J. POWERS & ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES</u> 55 <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute Agreement, Upon Review and Acceptance by the City Attorney.	
5.	<u>AMENDMENT OF AGREEMENTS WITH HARRIS & ASSOCIATES AND NAFFA INTERNATIONAL, INC. FOR BUILDING DIVISION PLAN CHECK AND RELATED SERVICES</u> 65 <u>Recommended Action(s):</u> 1. <u>Authorize</u> the City Manager, Subject to Review and Acceptance of the Agreement by the City Attorney, to Execute the Third Amendment to the Agreement with Harris & Associates to Increase the Compensation Allowance by \$20,000; and 2. <u>Authorize</u> the City Manager, Subject to Review and Acceptance of the Agreement by the City Attorney, to Execute the First Amendment to the Agreement with NAFFA International, Inc. to Increase the Compensation Allowance by \$50,000.	
6.	<u>AMENDED FINAL MAP APPROVAL FOR MADRONE PLAZA PHASE 1 (TRACT 9819)</u> 83 <u>Recommended Action(s):</u> 1. <u>Approve</u> the Amended Final Map, Subdivision Agreement, and Improvement Plans; 2. <u>Authorize</u> the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney; 3. <u>Authorize</u> the City Clerk to Sign the Amended Final Map Authorizing Abandonment of Unused Easements; and 4. <u>Authorize</u> the Recordation of the Amended Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
7.	<u>FINAL MAP APPROVAL VIENTO PHASE II (TRACT 9804)</u> 87 <u>Recommended Action(s):</u> 1. <u>Approve</u> the Final Map; and 2. <u>Authorize</u> the Recordation of the Map Following Recordation of the Development Improvement Agreement.	
8.	<u>FISCAL YEAR 2007-2008 OPERATING AND CAPITAL BUDGET SCHEDULE</u> 91 <u>Recommended Action(s):</u> <u>Approve</u> the Recommended Fiscal Year 2007-2008 Budget Schedule.	
9.	<u>FINAL MAP APPROVAL JASPER PARK PHASE III (TRACT 9842)</u> 93 <u>Recommended Action(s):</u> 1. <u>Approve</u> the Final Map; and 2. <u>Authorize</u> the Recordation of the Map Following Recordation of the Development Improvement Agreement.	
10.	<u>AMEND PROFESSIONAL SERVICES CONTRACT FOR THE WEST LITTLE LLAGAS CREEK TRAIL PROJECT</u> 97 <u>Recommended Action(s):</u> 1. <u>Approve</u> Additional Scope of Work for Questa Engineering Corporation in the Amount of \$15,000 and <u>Authorize</u> the City Manager to Execute an Amendment to the Existing Professional Services Agreement; Subject to Review and Approval by City Attorney; and 2. <u>Approve</u> Contract Time Extension.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 11-14

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
11.	<u>AGREEMENT(S) WITH RBF CONSULTING AND DKS ASSOCIATES TO PREPARE A DOWNTOWN PLAN UPDATE AND PARKING MANAGEMENT PLAN</u> 111	
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the Executive Director to Negotiate and Execute an Agreement Between the Redevelopment Agency and RBF Consulting (RBF) in the Amount not to Exceed \$102,040 for an Update to the Downtown Plan, Subject to Review and Approval by the City Attorney/Agency Counsel; and	
	2. <u>Authorize</u> the Executive Director of the Redevelopment Agency to Amend an Existing Contract Between DKS Associates and the City of Morgan Hill Redevelopment Agency in an Amount not to Exceed \$25,610, Subject to Review and Approval by the City Attorney/Agency Counsel.	
12.	<u>APPROVAL OF \$426,334.25 FOR INTERIOR FURNITURE FOR THE NEW MORGAN HILL LIBRARY</u> 161	
	<u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to Execute a Contract with Peninsula Business Interiors (PBI) to Provide and Install the Selected Interior Furniture for the New Morgan Hill Library in an Amount not to Exceed \$386,334.25 with a Contingency of \$40,000; Subject to Review and Approval by Agency Counsel.	
13.	<u>GALLERY MORGAN HILL</u> 163	
	<u>Recommended Action(s):</u> <u>Approve</u> the Recommendation from the Community and Economic Development (C&ED) Committee to Authorize the Executive Director to Negotiate and Execute a Grant Agreement to Provide \$4,800 in One-Time Financial Assistance to Gallery Morgan Hill.	
14.	<u>POLICY ON BUSINESSES IMPACTED BY DOWNTOWN STREET CONSTRUCTION</u> 165	
	<u>Recommended Action(s):</u> <u>Adopt</u> the Council Community and Economic Development Committee's Recommended Policy Pertaining to Businesses Impacted by Downtown Street Construction.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 15-17

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
15.	<u>APPROVE REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 28, 2007</u> 169	

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
16.		<u>APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 7, 2007</u>	181
17.		<u>APPROVE CITY COUNCIL SPECIAL AND REDEVELOPMENT AGENCY SPECIAL MEETING MINUTES OF MARCH 7, 2007</u>	189

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
18.	2 Minutes	<u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 18757 OLD MONTEREY ROAD</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Grant</u> Exemption to the Requirement to Underground Utilities with Payment of in Lieu Fees for the Proposed Development at 18757 Old Monterey Road.	195
19.	20 Minutes	<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FISCAL YEAR 2007-2008)</u>	199
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution for Appropriation of Fiscal Year 2007-2008 CDBG Funds Action- <u>Appropriate</u> Carry-Over of Approximately \$6,972 from Fiscal Year 2006-2007; and Action- <u>Authorize</u> the City Manager to do Everything Necessary for the Implementation of the CDBG Program Including Execution of all Required Contracts; Subject to Review and Approval by City Attorney.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
20.	10 Minutes	<u>SAN PEDRO WELL SUMMER 2007 OPERATING PROCEDURE</u>	205
		<u>Recommended Action(s):</u> 1. <u>Approve</u> Utilities and Environment Committee Recommendation for an Operating Procedure without Perchlorate Treatment for the San Pedro Well for Summer 2007; and 2. <u>Amend</u> Council's Current Policy on when to Provide Perchlorate Treatment, to Note if Only a Single Sample Exceeds 4 Parts Per Billion within a Year, the Recommendation Contained in the Staff Report would be Followed.	

City Council Action and Redevelopment Agency Action

WORKSHOP:

- | | | |
|-----|------------|--|
| 21. | 45 Minutes | <p><u>DISCUSSION REGARDING DOWNTOWN IMPROVEMENTS</u>.....213</p> <p><u>Recommended Action(s):</u></p> <ol style="list-style-type: none"> 1. <u>Conduct</u> the Workshop; 2. <u>Refer</u> Issues, as Desired, to the Community and Economic Development Committee for Further Review; and 3. <u>Direct</u> Staff, as Appropriate. |
|-----|------------|--|

City Council Action

WORKSHOP:

- | | | |
|-----|------------|---|
| 22. | 60 Minutes | <p><u>DISCUSSION REGARDING THE FRIENDLY INN AND EL TORO YOUTH CENTER.</u>.....217</p> <p><u>Recommended Action(s):</u> <u>Conduct</u> Council Workshop and <u>Provide</u> Staff Direction as Appropriate.</p> |
|-----|------------|---|

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

- 1.**
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
- | | |
|----------------------------|---|
| Authority: | Government Code Sections 54956.9(b) & (c) |
| Number of Potential Cases: | 1 |

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.